

ഇരിഞ്ഞാലക്കുടയിൽ കെ. എസ്. ആർ. ടി. സി. സബ് സ്റ്റേഷൻ

810 [1228] ശ്രീ. സിദ്ദാർത്ഥൻ കാട്ടുങ്ങൽ: താഴെ കാണുന്ന ചോദ്യത്തിന് ഗതാഗത വകുപ്പു മന്ത്രി സദയം മറുപടി നൽകുമോ:

ഇരിഞ്ഞാലക്കുടയിൽ ട്രാൻസ്‌പോർട്ടു കോർപ്പറേഷന്റെ സബ് സ്റ്റേഷൻ ആരംഭിക്കുവാൻ നടപടികൾ എടുക്കുമോ?

ഉത്തരം

ഇരിഞ്ഞാലക്കുടയിൽ ട്രാൻസ്‌പോർട്ടു കോർപ്പറേഷന്റെ ഒരു സബ് സ്റ്റേഷൻ ആരംഭിക്കുന്ന കാര്യം തൽക്കാലം കോർപ്പറേഷന്റെ പരിഗണനയിലില്ല.

സ്വകാര്യ ബസ്സുകളിലെ ചെക്കിംഗ് ഇൻസ്പെക്ടർമാർക്ക് യൂണിഫോം

811 [1229] ശ്രീ. പി. ബാലൻ: താഴെ കാണുന്ന ചോദ്യങ്ങൾക്ക് ഗതാഗത വകുപ്പു മന്ത്രി സദയം മറുപടി നൽകുമോ:

(എ) സ്വകാര്യ ബസ്സുകളിലെ ചെക്കിംഗ് ഇൻസ്പെക്ടർമാരെ യാത്രക്കാരിൽനിന്ന് തിരിച്ചറിയാൻ കഴിയാത്തതുകൊണ്ടു യാത്രക്കാർക്ക് വിഷമമുണ്ടെന്ന വസ്തുത ഗവൺമെന്റിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ;

(ബി) ഡ്രൈവർമാർക്കും കണ്ടക്ടർമാർക്കും ഇപ്പോൾ നിലവിലുള്ളതുപോലെ ചെക്കിംഗ് ഇൻസ്പെക്ടർമാർക്കും ബാഡ്ജും യൂണിഫോമും വേണമെന്ന് വ്യവസ്ഥ ചെയ്യാമോ?

ഉത്തരം

(എ) ഇല്ല.

(ബി) നിലവിലുള്ള നിയമം അനുസരിച്ച് ചെക്കിംഗ് ഇൻസ്പെക്ടർമാർ ബാഡ്ജും യൂണിഫോമും ധരിക്കണമെന്ന് വ്യവസ്ഥ ചെയ്യാൻ നിവർത്തിയില്ല.

കെ. എസ്. ആർ. ടി. സി. വാഹനങ്ങൾ മൂലമുണ്ടാകുന്ന അപകടങ്ങൾ

812 [1230] ശ്രീ. എൻ. ഭാസ്കരൻ നായർ: താഴെ കാണുന്ന ചോദ്യങ്ങൾക്ക് ഗതാഗത വകുപ്പു മന്ത്രി സദയം മറുപടി നൽകുമോ:

(എ) കെ. എസ്. ആർ. ടി. സി. വക വാഹനങ്ങൾ മൂലമുണ്ടാകുന്ന ആക്സിഡൻറിന് വിധേയരായവർക്ക് നഷ്ടപരിഹാരം കൊടുക്കുന്നതിനുള്ള വ്യവസ്ഥകൾ എന്തെല്ലാമാണ്;

(ബി) കഴിഞ്ഞ 5 വർഷക്കാലം ഈ ഇനത്തിൽ എത്ര സംഖ്യ കൊടുത്തിട്ടുണ്ട്?

2/452—7

ഉത്തരം

(എ) കെ. എസ്. ആർ. ടി. സി. വാഹനങ്ങൾമൂലം അപകടത്തിന് വിധേയരായവർക്ക് നഷ്ടപരിഹാരം നൽകുന്നതിനു വേണ്ടി ഒരു പ്രത്യേക ഇൻഷുറൻസ് നിധി കോർപ്പറേഷനാണ്. കോർപ്പറേഷൻ വണ്ടികൾ മുട്ടി മരണമടയുന്നവരുടെ അവകാശികൾക്കും മുറിവേറ്റവർക്കും നാശനഷ്ടങ്ങൾ നേരിട്ടിട്ടുള്ളവർക്കും സഹായം നൽകുന്നതിനുള്ള വ്യവസ്ഥകൾ കോർപ്പറേഷനാണ്. പതിനായിരം ഉറപ്പികൾക്കു താഴെയുള്ള നഷ്ടപരിഹാര കേസുകളിൽ കോർപ്പറേഷൻ നിലുള്ള ഒരു കമ്മിറ്റിയുടെ ശുപാർശയിൻമേൽ ജനറൽ മാനേജർക്ക് അവസാന തീരുമാനം എടുക്കാവുന്നതാണ്. മറ്റുള്ളവയിൽ തീരുമാനം എടുക്കേണ്ടത് കോർപ്പറേഷൻ ബോർഡാണ്. 1966-ലെ ഇൻഷുറൻസ് ഫണ്ടു റഗുലേഷന്റെ ഒരു പ്രതി കൂടുതൽ അറിവിനുവേണ്ടി ഇതിന്റെ അനുബന്ധമായി വച്ചിട്ടുണ്ട്.*

(ബി) കഴിഞ്ഞ അഞ്ചു വർഷക്കാലം ഈ ഇനത്തിൽ അനുവദിച്ച തുകയുടെ വിവരം താഴെപ്പറയുന്ന പ്രകാരമാണ്:

	രൂപ
1973-74	3,22,347.16
1974-75	2,99,941.19
1975-76	7,53,478.61
1976-77	8,23,672.45
1977-78	11,09,271.62

ആകെ

33,08,711.03

കോഴിക്കോട്ടേയ്ക്ക് വിമാന സർവ്വീസ്

813 [1231] ശ്രീ. ലോനപ്പൻ നമ്പാടൻ: താഴെ കാണുന്ന ചോദ്യങ്ങൾക്ക് ഗതാഗത വകുപ്പു മന്ത്രി സദയം മറുപടി നൽകുമോ:

(എ) കോഴിക്കോട്ടേയ്ക്ക് വിമാന സർവ്വീസ് ഏർപ്പെടുത്തുന്ന സംസ്ഥാന ഗവൺമെന്റിന്റെ പദ്ധതി ഉപേക്ഷിച്ചുവോ;

(ബി) ഇല്ലെങ്കിൽ ഇന്നത്തെ അതിന്റെ സ്ഥിതി എന്ത്?

ഉത്തരം

(എ ആൻറ് ബി) ഇല്ല. തിരുവനന്തപുരം-കൊച്ചി, കോഴിക്കോട് എന്നീ നഗരങ്ങളെ തമ്മിൽ ബന്ധിപ്പിക്കുന്ന ഒരു ലിങ്ക് എയർ സർവ്വീസ് നടത്തിക്കുന്നതിനുള്ള ഒരു പദ്ധതി സംസ്ഥാന ഗവൺമെന്റിന്റെ പരിഗണനയിലുണ്ട്. അതു സംബന്ധിച്ചുള്ള വിശദാംശങ്ങളെപ്പറ്റി മേസേഴ്സ് ഹൺസ് എയർ (പ്രൈവറ്റ്) എന്ന കമ്പനിയുമായി കത്തിടപാടുകൾ നടത്തിക്കൊണ്ടിരിക്കുകയാണ്.

*അനുബന്ധം IV.

9. ആലുവ
10. കൊട്ടാരക്കര
11. ചെങ്ങന്നൂർ
12. കോട്ടയം
13. മുവാറ്റുപുഴ
14. തൃശ്ശൂർ
15. കോഴിക്കോട്
16. കണ്ണൂർ
17. ചങ്ങനാശ്ശേരി
18. തിരുവല്ല
19. പാലക്കാട്

സബ് ഡിപ്പോകൾ:

1. പാപ്പനംകോട്
2. വിഴിഞ്ഞം
3. ആറന്മുള
4. ചേർത്തല
5. പെരുമ്പാവൂർ
6. പാലാ
7. പത്തനംതിട്ട
8. പുനലൂർ
9. ചാലക്കുടി
10. ഗുരുവായൂർ
11. പെരിന്തൽമണ്ണ
12. പയ്യന്നൂർ
13. സുൽത്താൻബത്തേരി
14. പൊന്നാനി
15. പൊൻകുന്നം

അനുബന്ധം IV

[നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ 812 (1230) കാണുക]

THE KERALA STATE ROAD TRANSPORT CORPORATION INSURANCE FUND REGULATIONS, 1966

[Approved by Government as per Order No. G. O. (MS.) No. 245/66/PW, dated 8.11.1966 and amended vide G.O. (MS) 335/71/PW, dated 1.9.1971]

WHEREAS under sub-section (2) of Section 89 of the Travancore-Cochin Motor Vehicles Act, 1125 (Act X of 1125) the Government of Kerala, by notification No. SRO.22005/Estt., B3/65/Fin., dated 13.5.1965 have exempted all the Motor Vehicles owned and registered in the name of the Kerala State Road Transport Corporation from the applicability of sub-section (i) of section 89 of the said Act, provided that the Corporation shall establish and maintain a separate Insurance Fund.

AND WHEREAS the corporation has established a separate Fund for the purpose.

Now therefore, in exercise of the powers conferred by sub-section (i) of section 45 of the Road Transport Corporation Act, 1950 (Central Act 64 of 1950) and with the previous sanction of the Government, the Kerala State Road Transport Corporation hereby make the following regulations for the administration of the said Fund, namely:—

1. (a) These regulations may be called the Kerala State Road Transport Corporation Insurance Fund Regulations, 1966.

(b) They shall come into force with immediate effect.

2. In these Regulations unless the context otherwise requires—

(a) "Fund" means the Kerala State Road Transport Corporation Insurance Fund.

(b) "Corporation" means the Kerala State Road Transport Corporation.

(c) "Year" means the financial year of the Corporation.

3. *Purpose.*—(1) The fund shall be established to meet any liability arising out of the use of any vehicle of the Corporation which the Corporation or any person in the employ of the Corporation may incur to third parties.

(2) The fund shall be used generally for meeting third party liabilities in respect of:—

(a) All claims including claimant's cost and expenses for which the Corporation shall become legally liable to pay, lodged against the Corporation in respect of:—

(i) death or bodily injury to any person caused by or arising out of the use (including the loading and/or unloading) of the Motor Vehicle;

(ii) damage to property caused by the use (including the loading and/or unloading) of the Motor Vehicle.

(iii) any liability arising under the provisions of the workmen's compensation Act, 1923 in respect of the death or bodily injury to any paid employee engaged in driving or otherwise in attendance or being carried in a motor vehicle;

(iv) payment of medical expenses in respect of treatment of bodily injury to any paid employee engaged in driving or otherwise in attendance or being carried in a motor vehicle.

3. The fund shall not be used to meet—

(i) liability in respect of death, injury or damage caused or arising in connection with the bringing of load to the motor vehicle for loading thereon or the taking away of the load from the motor vehicle after unloading therefrom;

(ii) liability in respect of damage to property belonging to or held in trust by or in the custody or control of the corporation or an employee of the Corporation or being conveyed by a motor vehicle;

(iii) liability in respect of damage to any bridge and/or weigh bridge and/or via duct and/or any road and/or an or anything beneath by vibration or by the weight or the Motor Vehicle or by the load carried by the Motor Vehicle;

(iv) liability or loss or damages arising out of violations of any rules or directions of the Corporation or other traffic regulations in force;

(v) liability in respect of death of or bodily injury to or loss of or damages to property caused or contributed by conditions of war, riot, civil commotion or other natural calamities;

(vi) liability in respect of claims lodged after a period of three years from the date of accident or loss of goods;

(vii) The Board may however relax the time limit prescribed for preferring claims for compensation/exgratia comes under exceptional case.

[G.O. (MS) 187/75/PW, dated 30.9.1975.]

4. Notwithstanding anything contained in these regulations where the Corporation is satisfied that the Corporation is not responsible for the accident, injury or damages or the question of liability cannot be clearly and distinctly determined and where serious hardship is involved to the victim of the accident, the Corporation may order an ex-gratia payment by way of compensation provided:

(i) the maximum amount of ex gratia payment of single individual shall not exceed Rs. 3000 and

(ii) Exgratia payment will be made only for death or bodily injury and not for loss or damage to property.

5. With a view to affording timely relief in case of death or serious physical injury requiring prolonged treatment the * General Manager may sanction interim payment of compensation limited to the absolute minimum amount having regard to the necessity of the case.

[G.O. (MS) 60/72/PW, dated 24.3.1972]

6. The Fund shall consist of Rs. 10,00,000 (Rupees Ten lakhs only)

[G.O. (R.) 583/PW, dated 13.5.1974].

7 (a) Claims below Rs. 5000 to be met out of this fund shall be settled by the General Manager on the recommendation by a Committee consisting of:

1. The Chief Accounts Officer (Chairman)
2. The Deputy General Manager (Member)
3. The State Insurance Officer (Member)
4. The Secretary (Member)
5. The Law Officer (Member)

The Senior Superintendent in charge of the Claims Section will be the Convener of the Committee [G.O. (MS) No. 240/75/PW, dated 10.12.1975].

(b) * Claims above Rs. 10,000 will be referred to the Corporation Board for sanction.

*Amended by G.O. (MS) 385/71/PW, dated 1.9.1971.

8. All reasonable expenditure incurred on any or all of the purposes mentioned in regulation 3 above shall be debited to this fund.

9. The fund shall be operated separately and a separate account shall be maintained in the books of the Corporation.

10. The Audit of the account of the Fund shall be made in the same manner as that of other accounts of the Corporation.

11. The cash balance of the Fund or part thereof may be invested in the same manner done in the case of other Funds of the Corporation.

12. *The petitions received from bona fide claimants seeking for the benefits from the fund shall be dealt with and disposed of in accordance with the procedure and instructions laid down in the annexure to these regulations.

ANNEXURE

The following instructions are laid down for the expeditious settlement of claim petitions received in the Kerala State Road Transport Corporation, Chief Office consequent to accidents involving Corporation vehicles.

The claim petitions are to be categorised into 3 kinds.

1. Those arising out of insignificant accidents.
2. Those arising out of minor accidents.
3. Those arising out of major accidents.

1. CLAIMS ARISING OUT OF INSIGNIFICANT ACCIDENTS

All claims for damage caused to property such as vehicles, animals, instructions, buildings, wall posts etc. arising out of accidents involving K.S.R.T. Corporation buses which has got the financial implication of Rs. 50 and below shall be included in this category. Claims for personal injuries will not be included under this category. Such claims shall be settled and finalised on the basis of:-

- (i) Claim petition from bona fide claimants.
- (ii) F.I.R. (to be received within 24 hours from Unit Officers)
- (iii) Certificates or estimates or survey reports or any other such documents or expert opinion (from competent persons in the concerned field which may be relevant or deemed necessary).

After examining the above documents the Claims Superintendent will make necessary recommendations for payment of compensation to the Deputy General Manager/General Manager for final orders.

Note: 1. Since the quantum of compensation in this case is Rs. 50 and below these case need not go before the Insurance Committee of the Kerala State Road Transport Corporation.

2. There will be no exgratia consideration under this category.

3. No local enquiry is necessary in this case.

* Amended by G. O. (Ms.) 336/71/PW, dated 1-9-1971.

4. Claims for personal injuries will not be included under this sub division.

5. F.I.R. should reach Chief Office within 24 hours and so all other formalities should be observed and completed within 7 days of receipt of claim. Further, claimants shall be requested for production of vouchers or certificates or any other such relevant document, giving 7 days time. If he does not respond one more notice will be given to the party that if he does not produce the documents within a further period of 7 days the claim will be considered as withdrawn.

Even then if he/she fails to respond the claim will be rejected under intimation to party. In all other cases, the claims shall be finalised generally within 15 days of receipt of claim.

6. After obtaining orders of Deputy General Manager/General Manager for payment proceedings to the effect will be issued by the Claims Section and Accounts Section will arrange payment.

II. *Claims arising on Minor Accidents.*

All claims the financial implication of which ranges from Rs. 51 to Rs. 500 shall be included under this category. These claims have to be divided into two.

- (a) Those not involving injuries to human beings.
- (b) Those involving injuries to human beings.
- (a) *Minor accidents not involving injuries to human beings.*

Such claims shall be finalised on the basis of the following records.

- 1. Claim petition from bonafide claimants.
- 2. F. I. R.
- 3. Certificates or estimates or survey reports or any other such documents or expert opinion from competent persons in the concerned field which may be deemed necessary.
- 4. Detailed reports from Unit Officers of K.S.R.T.C.

Claims Superintendent will examine the claim in the light of the above documents and if the Corporation is not liable as per the departmental findings, police findings will be awaited. If the police findings also confirm the Departmental findings that the Corporation driver is not responsible for the accident, the claim petition will be rejected. In such cases the opinion of the Legal Section of the Corporation will also be obtained by the Claims Superintendent wherever necessary.

No ex gratia payment will be made in cases falling under this category.

In really deserving and emergent cases where compensation has to be paid by the Corporation, advance compensation, if felt necessary can be sanctioned by the Deputy General Manager/General Manager.

Cases falling under this category will be finally disposed of by the Deputy General Manager/General Manager and need not be placed before the Insurance Committee of the Kerala State Road Transport Corporation.

(b) *Minor accident involving injuries to human beings.*

Such claims shall be finalised on the basis of the following records.

1. Claim petition from bona fide claimants.
2. F.I.R.
3. Detailed report
4. Original wound or other medical certificate or extract of accident register etc. issued by competent authorities indicating the injuries sustained and the period of treatment.

Claims Superintendent will examine the Claim petition under this category along with the above documents and local enquiry (Claim investigation) will be conducted whenever required and file submitted to the Deputy General Manager/General Manager for orders regarding payment of compensation.

In cases of really deserving and emergent cases, advance sanction of compensation or ex gratia shall be sanctioned by the Deputy General Manager/General Manager. Such cases need not go before the Insurance Committee of the Kerala State Road Transport Corporation.

Note: 1. Claims falling under this category shall be settled by the Deputy General Manager/General Manager himself.

2. Claims received under this category shall be finalised within one month from the date of receipt of claim petition.
3. Ex gratia consideration and compensation can also be given in deserving cases.
4. If the Corporation is not liable for loss according to the detailed report, police or court findings shall be awaited. However for ex gratia consideration, Police or court findings need not be insisted upon.
5. Only claims in respect of personal injuries of a minor nature including temporary disabilities but not causing for serious disabilities and deformities shall be included under this category.

III. Claims arising out of major accidents.

Claims arising out of major accidents are grouped into two categories as shown below:—

(a) Claims not involving any human injury, the financial implication of which is above Rs. 500.

(b) Claims involving human injuries of a greivous nature. (including fatal ones).

(a) Claims not involving any human injury.

Such claims shall be examined and finalised in the light of following documents:

- (i) F.I.R.
- (ii) Detailed report.
- (iii) Claim petition from bona fide parties.
- (iv) Certificates or estimates or survey reports or any other such documents or expert opinion from competent persons in the concerned field which may be deemed necessary.
- (v) Police or court findings.
- (vi) Copy of scene mahazar or any other such certificates.
- (vii) Assessment of damages by competent persons in the field.
- (viii) Any other formality that is deemed necessary.

The claim petition shall be examined by the Claims Superintendent in the light of the above documents and placed before the Insurance Committee under orders of the Deputy General Manager/General Manager after conducting local enquiry wherever deemed necessary for deciding the final amount of compensation. Interim relief can be sanctioned by the Deputy General Manager/General Manager if no interim relief is received from any other source.

*Ex gratia consideration and payment may however be made by the Deputy General Manager/General Manager in cases of accidents coming under this section without waiting for the police or Court Findings, in deserving cases irrespective of whether or not the Corporation is legally bound to pay compensation. Such ex gratia payment made should be adjusted later on from the final compensation if any, the Corporation is legally liable to pay compensation based on the court findings, where there is no legal liability as disclosed from the court findings there is no need to review the case.

(b) Claims involving grievous human injuries, including Fatal Cases:-

In these cases, the claims shall be finalised in the light of the following documents:

1. F.I.R. of the accident.
2. Detailed report of the accident.
3. Claim petition from bona fide claimants.
4. Medical advice or post-mortem or death or wound certificates
5. Police or court findings.

The Claims Superintendent shall examine the claims in the light of the above documents and conduct local enquiry obtaining Claims investigation sanction from the Deputy General Manager/General Manager and place it before the Insurance Committee for final award of compensation.

(c) In deserving cases interim relief can be sanctioned by the Deputy General Manager/General Manager if no such relief has been received from any other source. Fatal cases shall invariably be classified under this category. *Ex gratia consideration and payment may

however be made by the Deputy General Manager/General Manager in cases of accidents coming under this section without waiting for the Police or Court Findings, in deserving cases irrespective of whether or not, the Corporation is legally bound to pay compensation. Such ex gratia payment made should be adjusted later on from the final compensation, if any, the Corporation is legally to pay compensation bases on the Court findings. Where there is no Legal Liability as disclosed from the court findings there is no need to review the case.

Cases coming under this category shall be disposed of within three months of receipt of claims.

C. The General Manager, Kerala State Road Transport Corporation is competent to sanction the payment of relief upto a maximum of Rs. 3000 (Rupees Three Thousand only) to dependents of deceased in fatal accidents involving the vehicles of the Corporation as shown below:-

(i) Rs. 500 (Rupees Five hundred only) immediately after the accident on production of death certificate from the local authorities.

(ii) The balance amount on production of a heirship certificate issued by the Tahsildar concerned.

(iii) The General Manager is competent to sanction ex gratia payments from Insurance Fund in accident cases upto a maximum of Rs. 3000 (Rupees Three thousand only) [G.O.(MS) 184/74/PW dated 19.11.1974.]

GENERAL POINTS:

When claim petitions are received, Claims Superintendent will examine them, in the light of such documents as F.I.Rs. detailed reports, vouchers, bills, wound or medical certificates etc. and classify them in one of the aforesaid categories indexing as 'Ins' (for Insignificant), 'Mjr' (for Major), 'Mnr' (for minor) and deal with them accordingly. Subsequently if any change in the categorisation is deemed necessary in the course of processing the claims it shall be done so under orders of the Deputy General Manager/General Manager.

2. Further, it will be examined whether the Corporation is legally bound to pay for compensation or at least whether ex gratia consideration is required. If it does not in any way deserve consideration, the claim will be prima-facie rejected.

3. The Unit Officers (District Transport Officers/Assistant Transport Officers etc.) must forward the F.I.Rs. of all accidents taking place within their jurisdiction to the Chief Office within 25 hours of the occurrence of the accident and to the detailed reports within 10 days of the occurrence.

4. It is obligatory on the part of the claimants to obtain and forward the required documents (which are not emanating from the K.S.R.T.C.) such as Medical Certificates, scene Mahazar, attested copy of judgements etc. to the General Manager as and when called for.

5. Files pending solely for want of response from the claimants shall be closed after 7 days under intimation to party of course after the issue of an ultimatum to the claimant.

SPECIAL NOTE:

(i) At present the award of compensation in all cases should be passed through the Insurance Committee and then presented to the General Manager for approval. For the easy conduct of business, the Insurance Rules will be modified on the lines suggested above.

(ii) The form for the F.I.R. will be modified as shown below :

Two more columns be incorporated in the FIR for easy conduct of business. Via. (i) Responsibility for the accident as gathered on preliminary enquiries (ii), whether deserving compensation. The various forms used shall also be modified to the extent required.

(iii) In cases, where the affected parties resort to legal proceedings, the decision of the court for the disposal of claim petitions shall be awaited.

(iv) Resultant to an accident if more than one passenger is injured and only one is having a serious injury, while others are having minor injuries, such claim shall be categorised under "Major".

(v) Consequent to an accident if a passenger or passengers are admitted to a private nursing home or dispensary, certificates issued from such institutions may be honoured and given due weight if they have been endorsed or countersigned by another medical practitioner of the "A" Class category of the same system of treatment or by a Surgeon of a Government Hospital not less than the rank of a Civil/Assistant Surgeon.

(vi) The claims relating to major accidents where the compensation amounts will exceed Rs. 500 need alone be examined by the Insurance Committee and subsequently placed before the General Manager for approval.

അനുബന്ധം V

[നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ 820 (1239) കാണുക]

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